

STATE OF SOUTH CAROLINA

(Caption of Case)

In Re: Broadvox-CLEC, LCC

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2009 - 111 - C

(Please type or print)

Submitted by: Margaret M. Fox, Esquire

SC Bar Number: 65418

Address: McNair Law Firm, P.A.

Telephone: 803-799-9800

Post Office Box 11390

Fax: 803-753-3219

Columbia, SC 29211

Other:

Email: pfox@mcnair.net

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- ☐ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☒ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other:

- ☐ Affidavit  
☐ Agreement  
☐ Answer  
☐ Appellate Review  
☐ Application  
☐ Brief  
☐ Certificate  
☐ Comments  
☐ Complaint  
☐ Consent Order  
☐ Discovery  
☐ Exhibit  
☐ Expedited Consideration  
☐ Interconnection Agreement  
☐ Interconnection Amendment  
☐ Late-Filed Exhibit

- ☐ Letter  
☐ Memorandum  
☐ Motion  
☐ Objection  
☐ Petition  
☐ Petition for Reconsideration  
☐ Petition for Rulemaking  
☐ Petition for Rule to Show Cause  
☐ Petition to Intervene  
☐ Petition to Intervene Out of Time  
☐ Prefiled Testimony  
☐ Promotion  
☐ Proposed Order  
☐ Protest  
☐ Publisher's Affidavit  
☐ Report

- ☐ Request  
☐ Request for Certification  
☐ Request for Investigation  
☐ Resale Agreement  
☐ Resale Amendment  
☐ Reservation Letter  
☐ Response  
☐ Response to Discovery  
☐ Return to Petition  
☒ Stipulation  
☐ Subpoena  
☐ Tariff  
☐ Other:

MARGARET M. FOX

May 11, 2009

lcrum@mcnair.net  
T (803) 799-9800  
F (803) 753-3240

The Honorable Charles Terreni  
Chief Clerk and Administrator  
South Carolina Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211

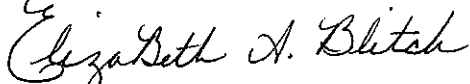
Re: Application of Broadvox-CLEC, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-based Local Exchange and Interexchange Telecommunications Services in the State of South Carolina (SCPSC Docket No. 2009-111-C)

Dear Mr. Terreni:

Please find enclosed for filing on behalf of the South Carolina Telephone Coalition (the "Coalition") an executed Stipulation between the Coalition and the Applicant in the above-referenced docket. By copy of this letter and Certificate of Service appended to the Stipulation, I am serving all parties of record.

Should you have any questions with respect to this matter, please do not hesitate to contact me.

Sincerely,

  
ElizaBeth A. Blitch, Paralegal  
to Margaret M. Fox

Enclosures

cc: Scott Elliott, Esquire  
Nanette S. Edwards, Esquire

McNair Law Firm, P. A.  
The Tower at 1301  
Gervais  
1301 Gervais Street  
11th Floor  
Columbia, SC 29201

Mailing Address  
Post Office Box 11390  
Columbia, SC 29211

mcnair.net

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

Docket No. 2009-111-C

Re: Application of Broadvox-CLEC, LLC, for a Certificate )  
of Public Convenience and Necessity o Provide Resold )  
and Facilities-based Local Exchange and Interexchange )  
Service Telecommunications Services in the State of )  
South Carolina )  
\_\_\_\_\_ )

**STIPULATION**

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Broadvox-CLEC, LLC ("Broadvox-CLEC") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Broadvox-CLEC's Application. SCTC and Broadvox-CLEC stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Broadvox-CLEC, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
2. Broadvox-CLEC stipulates and agrees that any Certificate which may be granted will authorize Broadvox-CLEC to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.
3. Broadvox-CLEC stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
4. Broadvox-CLEC stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until Broadvox-CLEC provides such rural incumbent LEC and the Commission with written

notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Broadvox-CLEC acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Broadvox-CLEC stipulates and agrees that, if Broadvox-CLEC gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Broadvox-CLEC will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Broadvox-CLEC acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Broadvox-CLEC, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

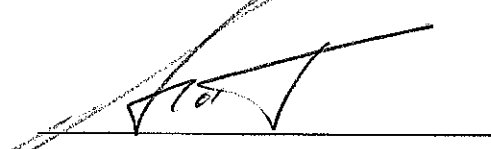
8. Broadvox-CLEC agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

9. Broadvox-CLEC hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 29<sup>th</sup> day of April

2009.

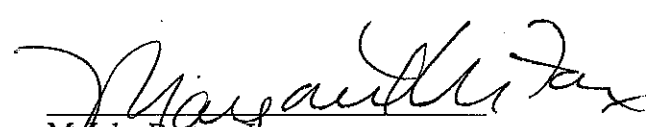
Broadvox-CLEC, LLC



Scott Elliott, Esquire  
Elliott & Elliott  
721 Olive Street  
Columbia, South Carolina 29205

Attorneys for Applicant Broadvox-  
CLEC, LLC

South Carolina Telephone Coalition:



M. John Bowen, Jr.  
Margaret M. Fox  
Sue-Ann Gerald Shannon  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, South Carolina 29211  
(803) 799-9800

Attorneys for the South Carolina Telephone  
Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies  
for Purposes of Local Service Stipulation

Chesnee Telephone Company  
Chester Telephone Company  
Farmers Telephone Cooperative, Inc.  
Ft. Mill Telephone Company  
Home Telephone Company, Inc.  
Lancaster Telephone Company  
Lockhart Telephone Company  
McClellanville Telephone Company  
Norway Telephone Company  
Palmetto Rural Telephone Cooperative, Inc.  
Piedmont Rural Telephone Cooperative, Inc.  
Pond Branch Telephone Company  
Ridgeway Telephone Company  
Rock Hill Telephone Company  
Sandhill Telephone Cooperative, Inc.  
St. Stephen Telephone Company  
West Carolina Rural Telephone Cooperative, Inc.  
Williston Telephone Company

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

Docket No. 2009-111-C

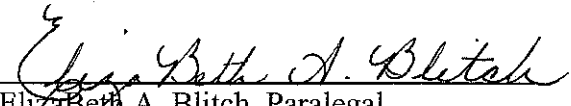
Re: Application of Broadvox-CLEC, LLC, for a )  
Certificate of Public Convenience and Necessity )  
to Provide Resold and Facilities-based Local )  
Exchange and Interexchange Service Telecom- )  
munications Services in the State of South Carolina )  
\_\_\_\_\_ )

**CERTIFICATE OF  
SERVICE**

I, ElizaBeth A. Blitch, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following party of record by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as follows:

Scott Elliott, Esquire  
Elliott & Elliott  
721 Olive Street  
Columbia, South Carolina 29205

Nanette S. Edwards, Esquire  
Office of Regulatory Staff  
Post Office Box 11263  
Columbia, South Carolina 29211.

  
ElizaBeth A. Blitch, Paralegal  
McNAIR LAW FIRM, P.A.  
Post Office Box 11390  
Columbia, South Carolina 29211  
(803) 799-9800

May 11, 2009

Columbia, South Carolina